UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/784
14 July 1999
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 13 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I wish to inform you that, on Friday, 11 June 1999, at 0630 hours precisely, the Kuwaiti Coast Guard, while patrolling in the course of its regular duties in Kuwaiti territorial waters, observed two Iraqi naval units in Kuwaiti territorial waters in the area of Bubiyan Island (Khawr al-Tayyarah). It was therefore necessary to arrest the following six Iraqi seamen who were on board the two vessels:

1. Ghazi Faysal Khalifah - who had identification
2. Walid Muhammad Ali - no identification
3. Qasy Husein Ahmad - no identification
4. Jawdah Nury Zahin - who had identification
5. Majbal Nury Zahir - who had identification
6. Mahmoud Adnan Najm - who had identification

After completion of the inspection procedure, the identity documents were withdrawn and the men were taken back to the vessels which were escorted out of Kuwaiti territorial waters.

This incident is without any doubt a violation of Kuwait's borders and territorial waters. Iraq must refrain from any further act of this kind and must respect the inviolability of Kuwait's borders in both word and deed.

I should be grateful if you would have this letter distributed as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

99-20733 (E) 140799 140799

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/785
15 July 1999
ENGLISH
ORIGINAL: ENGLISH, FRENCH
AND RUSSIAN

Draft resolution

The Security Council,

Recalling all its earlier relevant resolutions, in particular its resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1147 (1998) of 13 January 1998, 1183 (1998) of 15 July 1998 and 1222 (1999) of 15 January 1999,

Having considered the report of the Secretary-General of 8 July 1999 (S/1999/764) on the United Nations Mission of Observers in Prevlaka (UNMOP),

Recalling also the letters to its President, from the Chargé d'Affaires of the Federal Republic of Yugoslavia of 18 June 1999 (S/1999/697) and from the Permanent Representative of Croatia of 25 June 1999 (S/1999/719), concerning the disputed issue of Prevlaka,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia within its internationally recognized borders,

Noting once again the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular articles 1 and 3, the latter reaffirming their agreement concerning the demilitarization of the Prevlaka peninsula,

Reiterating its concern that longstanding violations of the demilitarization regime by both parties continue, including the standing presence of Federal Republic of Yugoslavia military personnel and the occasional presence of Croatian military elements in the demilitarized zone, and at limitations placed on the free movement of United Nations military observers by both parties,

Expressing its concern about more recent, additional violations of the demilitarized zone, in particular the presence there of troops of the Federal Republic of Yugoslavia,

Noting with satisfaction that the opening of crossing points between Croatia and the Federal Republic of Yugoslavia (Montenegro) in the demilitarized

zones continue to facilitate civilian and commercial traffic in both directions without security incidents and continue to represent a significant confidence-building measure in the normalization of relations between the two parties, and urging the parties to utilize these openings as a basis for further confidence-building measures to achieve the normalization of relations between them,

Reiterating its serious concerns about the lack of substantive progress towards a settlement of the disputed issue of Prevlaka in the continuing bilateral negotiations between the parties pursuant to the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996 (S/1996/706, annex), and calling upon the parties to resume discussions,

Reiterating its call upon the parties urgently to put in place a comprehensive demining programme,

Commending the role played by UNMOP and noting also that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. Authorizes the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995 (S/1995/1028*), until 15 January 2000;

2. Reiterates its calls upon the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to take steps further to reduce tension and to improve safety and security in the area, to cooperate fully with the United Nations military observers and to ensure their safety and full and unrestricted freedom of movement;

3. Requests the Secretary-General to report by 15 October 1999 with recommendations and options further to develop confidence-building measures between the parties aimed, inter alia, at further facilitating freedom of movement of the civilian population;

4. Urges once again that the parties abide by their mutual commitments and implement fully the Agreement on Normalization of Relations, and stresses in particular the urgent need for them to fulfil rapidly and in good faith their commitment to reach a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the Agreement;

5. Requests the parties to continue to report at least bi-monthly to the Secretary-General on the status of their bilateral negotiations;

6. Requests the United Nations military observers and the multinational stabilization force authorized by the Council in resolution 1088 (1996) of 12 December 1996 and extended by resolution 1247 (1999) of 18 June 1999 to cooperate fully with each other;

7. Decides to remain seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/786
14 July 1999

ORIGINAL: ENGLISH

LETTER DATED 14 JULY 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

As you will recall, in my letter to you of 10 July 1999 regarding the East Timor popular consultation process (S/1999/773), I proposed rescheduling the start of voter registration to 16 July 1999 to allow time for the Government of Indonesia to take concrete steps, based on specific criteria provided by me, to improve the security situation.

In subsequent meetings in East Timor with senior officials of the Government, my Special Representative for the East Timor popular consultation has been assured that the authorities are taking steps towards the fulfilment of those criteria.

It is not, however, possible for me to conclude at present that the necessary security conditions exist for the peaceful implementation of the popular consultation process throughout the Territory, as called for under paragraph 3 of the agreement on security arrangements dated 5 May 1999 reached by the Governments of Indonesia and Portugal and the United Nations (A/53/951-S/1999/513, annex III). As I noted in my letter to you dated 10 July, the security situation in the Territory as a whole remains serious, and there has not been time to assess properly how far recent steps taken by the Government will result in an improvement. In particular, as I have previously reported to the Council, violence and intimidation have continued to be carried out with impunity by pro-autonomy militias. Nevertheless, determined as I believe we should be to go ahead, undeterred by the intimidation, and in view of the need to adhere to the shortest possible time-frame, I have decided to begin the registration, based on positive assurances by the Indonesian authorities, on the condition that meaningful, visible improvements in the security situation will be observed in the immediate future.

The United Nations Mission in East Timor (UNAMET) will continue to keep the security situation constantly under review and I intend to make another assessment of conditions based on its objective evaluation, halfway through the registration period. At that time, I will determine whether there has been enough significant progress to continue registration on the basis that the people of East Timor are able to participate in the popular consultation safely and free of intimidation.

I have informed the Governments of Indonesia and Portugal of this decision and I will keep the Council fully informed of any future developments.

(Signed) Kofi A. ANNAN

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/787
14 July 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 12 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF FINLAND TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to draw your attention to the statement issued on 9 July 1999 by the Presidency of the European Union concerning a ceasefire agreement in the Democratic Republic of the Congo (see annex).

I should be grateful if you would arrange for the text of this letter and the annex thereto to be circulated as a Security Council document.

(Signed) Marjatta RASI
Permanent Representative of Finland
to the United Nations

99-20786 (E) 140799 140799

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Annex

[Original: English/French]

Statement on the ceasefire agreement of the Democratic Republic of the Congo issued on 9 July 1999 by the Presidency of the European Union

The European Union welcomes the acceptance at the ministerial level by the parties involved of a ceasefire agreement in the conflict of the Democratic Republic of the Congo. The European Union supports the agreement and appeals to the heads of State and other parties to sign and implement the agreement as soon as possible.

The European Union commends President Chiluba of Zambia and other mediators for their successful efforts to find a peaceful solution to the conflict.

The European Union appeals to all the parties to respect the spirit of the ceasefire agreement and to refrain from any military operations.

The European Union stands ready to give its support to the peace, reconciliation and democratization process in the Democratic Republic of the Congo.

The Central and Eastern European countries associated with the European Union, the associated country Cyprus and the European Free Trade Association countries which are members of the European Economic Area align themselves with this statement.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/788
15 July 1999

ORIGINAL: ENGLISH

SEVENTH REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION IN THE CENTRAL AFRICAN REPUBLIC

I. INTRODUCTION

1. By paragraph 3 of its resolution 1230 (1999) of 26 February 1999, the Security Council decided to review every 45 days, on the basis of reports of the Secretary-General, the mandate of the United Nations Mission in the Central African Republic (MINURCA) in the light of the progress achieved towards implementation of commitments made by the President of the Central African Republic to the Secretary-General in his letter dated 23 January 1999 (S/1999/98, annex).

2. In accordance with paragraph 18 of resolution 1230 (1999), the first report thereafter was submitted to the Council on 14 April 1999 (S/1999/416) and the second on 28 May (S/1999/621). The present report describes developments in the Central African Republic since the end of May.

II. POLITICAL ASPECTS OF DEVELOPMENTS IN THE CENTRAL AFRICAN REPUBLIC

Armed clashes and unrest in Bangui

3. On 19 June, an altercation broke out at the cattle market on the outskirts of Bangui between a group of cattle herdsmen of Chadian origin and some Central African citizens. As a result of the subsequent intervention of elements of the presidential guard, FORSDIR (Special Force for the Defence of Republican Institutions), at least five Chadians and one FORSDIR member were killed. MINURCA deployed to control the situation by separating the Chadians and the Central Africans.

4. On 22 June, Central African students at the University of Bangui went on a rampage attacking Chadian students. The attacks were inspired by a rumour, later proved false, that Chadian students at the University of N'Djamena had attacked Central Africans studying there. The situation was contained by the Central African police and gendarmes, assisted by some MINURCA troops. Police and gendarmes, as well as MINURCA units, were also deployed to restore calm

after a riot on 26 June, which started when a Central African tried to rob a Chadian merchant in his shop.

5. Following the incident of 19 June, my Special Representative, Oluyemi Adeniji, met urgently with the Prime Minister, Anicet Dologuele. Mr. Adeniji recalled that the maintenance of law and order was the function of police officers and gendarmerie, and not of FORSDIR. He also recalled the explicit undertakings made by President Patassé in his letter to the Secretary-General dated 23 January 1999 concerning the restriction of FORSDIR to its mandate to protect republican institutions and the high authorities of the State. He further recalled that the Security Council had welcomed the President's commitment in its resolution 1230 (1999). Had the incident in question been dealt with by the police or gendarmerie, who had the necessary training to deal with the civilian population, loss of life could have been avoided.

6. The Prime Minister admitted that the situation had got out of control because of the way in which it had been handled, and expressed appreciation for the role played by MINURCA in restoring calm. It was also agreed that my Special Representative should meet with President Patassé and senior Government officials to discuss measures to replace FORSDIR officials now performing police functions with officers who had received human rights and other civilian police training from MINURCA.

7. Following the return of President Patassé to Bangui, my Special Representative met with him in the presence of some of his Ministers. My Special Representative raised in particular the issue of the persistent discharge by FORSDIR of functions that properly belonged to other arms of the security forces. He called on the President to meet the commitments made in his letter to me dated 23 January 1999 and immediately to take the following steps:

(a) To withdraw FORSDIR from Bangui airport;

(b) To withdraw FORSDIR from border posts;

(c) To prevent FORSDIR from performing law and order duties which should be performed exclusively by the police and the gendarmerie, except in an emergency.

8. In his reply, President Patassé said that FORSDIR was the only loyal and operational arm of the security forces on which he could rely. He categorically stated that he could not take any of the measures recommended by my Special Representative except at risk to his own safety.

III. PREPARATIONS FOR THE PRESIDENTIAL ELECTIONS

9. On 5 July, President Patassé issued a decree proclaiming that the first round of the elections would be held on 29 August. The second round, if there is one, will be held on 19 September.

Activities of the Mixed and Independent Electoral Commission

10. Since its inauguration, the Mixed and Independent Electoral Commission has adopted a budget for the elections in the amount of CFAF 1.9 billion (approximately $3 million). The Government of the Central African Republic has budgeted a sum of CFAF 1 billion for the elections. Of that, it has recently deposited CFAF 500 million into an escrow account from which the Commission can draw as necessary. In several meetings with the group of donors in Bangui, coordinated by the United Nations Development Programme (UNDP), the following pledges have been made to the budget: Japan CFAF 187 million (already paid in full); United States of America $120,000 (already paid in full); European Union CFAF 450 million; UNDP $200,000; and France CFAF 300 million. Egypt has donated two computers for the operation of the Commission. The Commission subsequently prepared a supplementary budget for the operation of the control organ to be established to ensure the transparency of its work at the sous-prefecture level. It is hoped that donors will contribute to that budget.

11. After some delay, the Commission has finally developed an operational plan for the revision of the electoral lists and distribution of the voter cards, with the assistance of the electoral unit of MINURCA. The printing of the revised electoral lists has advanced. Although the operational plan envisaged the deployment of the Commission members to the provinces on 24 June to check the electoral lists, there was some delay, and the first group left Bangui on 3 July. They are expected to complete their work and return to Bangui with authentic electoral lists by 31 July.

12. Tenders have been launched for the printing of the voter cards and ballot papers, which are to be produced locally. The printing of these materials is being funded by the European Union.

13. In the view of the MINURCA electoral unit, which has been working very closely with the Commission, the dates fixed for the elections can be met only if the Commission avoids further delays in its operations. This point is being constantly stressed in the Bureau of the Commission.

Political parties

14. Preparations for the elections by the political parties have commenced slowly. So far four candidates have been selected by their parties. These are President Patassé by the Movement for the Liberation of the Central African People (MLPC), General Kolingba by the Rally for Democracy in the Central African Republic (RDC), Charles Massi by the Democratic Forum (FODEM) and Jean-Paul Ngoupande by the National Unity Party (PUN). On 10 July, an independent candidate, Fidele Gouandjika, also declared his candidacy, and more candidates are expected to emerge.

Electoral support by the Mission

15. MINURCA has carried out reconnaissance missions to the eight permanent and two temporary electoral sites in the countryside. Deployment of troops to the sites is to commence late in July in accordance with the concept of operations described in paragraph 22 of my sixth report on MINURCA (S/1999/621). The

Governments of Canada and Egypt have agreed to make available the services of 32 communications specialists and 68 logistics personnel to provide essential services to the Mission in this respect.

16. Preparations for electoral observation by MINURCA are being pursued. Nine of the 30 long-term observers have arrived in Bangui, and the remaining 21 long-term observers are due to arrive around 10 July. After training and briefing, 21 will be deployed to the 8 permanent sites starting from 17 July, while the remaining 9 will operate in Bangui.

17. Besides the long-term observers, MINURCA plans to deploy 200 short-term observers for an intensive observation of the polling period, starting 14 days before the first round of voting, and the same number for the second round, if required. Of the 200 observers to be deployed, almost half would be recruited locally from MINURCA, UNDP, embassies, consulates, non-governmental organizations and other international organizations in the country, while the remaining 100 would be drawn from United Nations Headquarters and other United Nations offices, predominantly in Africa and Europe.

18. In my report of 28 May to the Security Council (S/1999/621) reference was made to the Central African armed forces troops to be deployed in support of the election under United Nations supervision and rules of engagement. These troops, who will number 360, are now being selected for deployment by MINURCA. Of that number, 240 would be deployed to the electoral sites, and 120 would remain in Bangui as a quick reaction capability and to guard sensitive electoral materials. The Government of France has agreed to allow its contribution to the trust fund established to support the activities of MINURCA, amounting to some $638,000, to be expended for this purpose.

Information

19. On 23 June, MINURCA conducted a press conference devoted in part to the violent incidents described above, and the role played by MINURCA in helping to contain them. Questions were asked concerning the Mission's Chadian contingent, whose role has been questioned in some quarters of the local media. Media representatives were reassured that MINURCA and its Chadian contingent were acting in a neutral and impartial manner to help maintain the stability of the country.

20. In the light of the forthcoming presidential elections, Radio MINURCA has increased its broadcasts on electoral sensitization. Regular slots have commenced for broadcasts by the electoral commission and the MINURCA electoral unit. The acquisition of a short-wave transmitter is under way to enable the population in the provinces and other remote areas of the country to listen to Radio MINURCA programmes.

IV. HUMAN RIGHTS

21. The violent incidents involving the Chadian community described above have created a climate of widespread fear and insecurity among civilians, as well as considerable disquiet over the lack of respect for human rights. The incidents

underline the issue of the misuse of FORSDIR, the feelings of persecution among the Chadian population in Bangui and the general disquiet of the Muslim community.

22. The question of impunity for human rights violations continues to remain a serious concern. The situation in prisons is critical and many detainees are being kept in police and gendarmerie cells for unduly long periods owing to a shortage of prison cells. The head of the MINURCA human rights section has met with the Minister of Justice, who agreed that MINURCA could conduct regular visits to the prison in Bangui as well as monitor conditions in police cells. Such activities will feature as a priority in the future human rights programme.

23. As mentioned in my last report, MINURCA, together with Ministry of Justice, organized a national human rights seminar from 31 May to 2 June 1999, on the impact of human rights on national reconstruction. The seminar, which was funded by UNDP, attracted some 200 participants from all segments of the population. In addition, the human rights mass awareness campaign on Radio MINURCA continued to ensure a widespread dissemination of human rights concepts.

V. MILITARY AND SECURITY ASPECTS

Need to strengthen security

24. During the first few days of June, more than 2,000 Chadian troops transited through Bangui from the Democratic Republic of the Congo, where they had been deployed in support of that country's Government against the rebels (see S/1999/621, paras. 29-30). The Chadians withdrew pursuant to the Sirte agreement of 18 April 1999, apparently without untoward incident, and were monitored by MINURCA throughout their passage through Bangui and its environs.

25. However, the violent incidents described above have contributed to a notable rise in tension in Bangui over both the increase in anti-Chadian feeling and the misuse of FORSDIR. In all three incidents, the rapid deployment of MINURCA helped to defuse the situation.

26. Tensions have also risen following the seizure of Gbadolite, in the Democratic Republic of the Congo, by rebel troops early in July. After the fall of Gbadolite, about 5,000 Congolese Government troops fled into the territory of the Central African Republic. They surrendered their weapons to the local military authorities of the Central African Republic in the border villages in the vicinity of Mobaye, to be guarded jointly by Congolese and Central African troops.

27. On 7 July, the Government of the Democratic Republic of the Congo, citing the defence agreement between the two countries, sent a delegation to Bangui to request the Government of the Central African Republic to facilitate the re-entry into the Democratic Republic of the Congo, through Central African Republic territory, of the troops and their weapons. The request was apparently related to plans for a counter-offensive against the rebels.

28. President Patassé has reportedly informed the Government of the Democratic Republic of the Congo and the rebel movement concerned, the Mouvement pour la libération du Congo (MLC), that he has no intention of allowing his country to become involved in the conflict in that country, and has cited Security Council resolution 1230 (1999) in support of his position. He has asserted that the Congolese troops, having surrendered their arms, now have the right to decide whether or not to return, in consultation with the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross. The Congolese delegation, accompanied by the Central African Republic Ministers of Defence and the Interior, later interviewed the soldiers.

29. On being consulted by the Government, my Special Representative advised him that the weapons brought into the Central African Republic by the soldiers should remain under Central African Republic control until such time as they can be restored to the Democratic Republic of the Congo pursuant to an eventual peace agreement. Mr. Adeniji has also offered the assistance of MINURCA in conducting an inventory of the weapons and verifying their security.

30. Jean Pierre Bemba, the leader of MLC, the Congolese rebel movement active along the border of the Central African Republic, has reportedly warned President Patassé against taking any action against the movement. Mr. Bemba was also reported as stating that, had it not been for the presence of MINURCA, his forces would have entered Central African Republic territory in hot pursuit of the fleeing Government troops.

31. In my last report (para. 25) I notified the Security Council that, if the security situation during the tense period leading up to the elections were to deteriorate, I would not hesitate to recommend to the Council an increase in the current force structure to ensure the safety of United Nations personnel and operations in support of the elections.

32. At that time, it was envisaged that the additional 100 military personnel required to provide communications and logistical support to the elections could be accommodated within the current force levels. However, in view of the deterioration in security arising from the developments of 19 and 22 June and the entry into the Central African Republic of the Congolese troops, additional steps are required to ensure the security of United Nations personnel. This is especially important in respect of the international electoral observers to be deployed near the border where the rebels have enjoyed recent successes. It is envisaged that this would require the deployment of an additional 148 troops. This figure includes the crew of the 16 armoured vehicles requested in my last report.

Disarmament and the destruction of weapons

33. On 9 July, in a ceremony conducted by my Special Representative, MINURCA destroyed a batch of 151 weapons, including both heavy and light arms collected partly by the Inter-African Mission to Monitor the Implementation of the Bangui Agreements and partly by MINURCA itself. The destruction of the weapons in a ceremony attended by senior Government officials and members of civil society helped to build confidence and, to some extent, to allay fears that had been expressed regarding the influx of weapons into the country.

Civilian police component

34. The civilian police component of MINURCA continues to assist, within the framework of resolution 1159 (1998) of 27 March 1998, in the training of the Central African Republic national police and gendarmerie. The seventh training session for 46 officers of the gendarmerie (25 brigade commanders and 21 special intervention task force) is currently in progress, as is the first training programme for 180 fresh recruits for the police force. It should be recalled that the two earlier training courses for the police involved the retraining of police officers, who have not benefited from such courses in 20 years.

VI. RESTRUCTURING AND DEMOBILIZATION OF THE ARMED FORCES

35. The four bills on the restructuring of the armed forces which were adopted by the National Assembly on 3 May 1999 have not been promulgated into law by President Patassé in spite of the persistent efforts of my Special Representative. The President insists he cannot promulgate the laws until the Constitutional Court to which they were referred has confirmed that they are all in conformity with the Constitution. This step will further delay the process.

36. Notwithstanding the delays, MINURCA continued its training seminar for officers of the Central African armed forces on the role of t e military in a democratic system (see S/1999/621, para. 36).

37. The retirement of 630 elements of the Central African armed forces, which will open the way for the process of restructuring, has not been effected. However, in discussions with the President and Prime Minister, my Special Representative has been assured that the Government has set aside the sum of CFAF 300 million to pay the salary arrears and retirement benefits of the first 300 military personnel to be retired. Their payment and service records are being examined for action. My Special Representative has been assured that this first batch should be able to depart on retirement soon. The second batch of 330 will be dealt with later in the year as Government finances improve to provide for payment of their arrears and retirement benefits.

Special Force for the Defence of Republican Institutions

38. The delay in the restructuring programme has further highlighted the issue of FORSDIR, which continues to perform the duties that properly belong to other arms of the security forces. This anomalous and potentially explosive situation symbolizes the continuing distrust of the regular army by the President. However, while FORSDIR may give confidence to the authorities, its current method of functioning is a cause of deep concern not only to the opposition but also to the population in general. In keeping with the expectations of the Security Council on the issue, as expressed in paragraph 12 (b) of resolution 1230 (1999), and as follow-up to President Patassé's undertakings, my Special Representative is continuing to press for FORSDIR to be confined to its legitimate duties.

Demobilization

39. On 23 and 24 June 1999 UNDP convened a meeting of donors in Bangui on the demobilization and reinsertion of members of the armed forces. The donor meeting, which was aimed at mobilizing the $3.1 million required for the programme, was attended by Austria, Canada, China, Egypt, France, Germany, Japan, Morocco and the United States of America, as well as the European Union, the International Monetary Fund (IMF), the World Bank and the African Development Bank.

40. At the meeting, the Government of the Central African Republic presented three papers, on policy and strategy for a republican army in a development and democratic setting; on a national programme for demobilization and reintegration; and on self-employment and security through arms collecting. It was disclosed that army restructuring would need external financial support of $505,000 for the period from July to December 1999 and $8,044,096 for the period 2000-2001.

41. So far, donors have made no commitment other than to accept the principle of maintaining and enhancing dialogue with the Government on the search for ways and means to effect the restructuring of the armed and security forces. Since funds cannot be mobilized, UNDP is uncertain about the fate of this important project.

Post-Mission presence

42. By paragraph 17 of its resolution 1230 (1999), the Security Council requested me to consider, in keeping with the statement of its President of 29 December 1998 (S/PRST/1998/38), what role the United Nations might play in the transition from peacekeeping to post-conflict peace-building in the Central African Republic, and further requested me, in consultation with the Government of the Central African Republic, to submit recommendations on a possible United Nations presence in that country after the termination of MINURCA. My report of 28 May contained some preliminary indications along these lines.

43. In that report (S/1999/621) I also stated that detailed recommendations to the Security Council would be subject to the result of the presidential election and the developing situation in the country.

44. However, since my last report, developments in several areas crucial to the maintenance of a secure environment after the departure of MINURCA have not been satisfactory. In particular, the laws on the restructuring of the armed forces have not yet been promulgated and the Government has failed to restrain FORSDIR from assuming law and order functions beyond its mandate.

45. Any United Nations presence in the Central African Republic after MINURCA will achieve its objective only if the Central African Republic authorities show commitment by implementing agreed reform measures. The Security Council might therefore wish to consider what measures it can take to persuade the Government of the Central African Republic to fulfil the commitments which formed the basis for the establishment of MINURCA in the first place. It is crucial, moreover,

that the Government should take the necessary steps described above before the termination of the mandate of MINURCA.

VII. ECONOMIC ASPECTS

46. On 2 July, Alassane D. Ouattara, Deputy Managing Director of the International Monetary Fund, announced that the Executive Board of IMF had met that day to assess progress under the Central African Republic's economic and financial programme supported by the Enhanced Structural Adjustment Facility (ESAF), and completed the mid-term review under the first annual ESAF arrangement. As a result, an additional SDR 8.24 million (about $11 million) of IMF resources have now been made available to the Central African Republic.

47. The Directors stressed that the successful implementation of the financial programme, including the clearance of external and domestic arrears, would hinge crucially on a sustained increase in budget revenue and the timely implementation of agreed measures. They recommended that the authorities raise revenue by broadening the tax base, improving tax administration and combating fraud, and welcomed the authorities' intention to implement further fiscal reforms in order to strengthen revenue collection. They encouraged the authorities to monitor the budget execution carefully, and to adhere to their expenditure priorities.

48. The Directors endorsed the authorities' commitment to completing the structural reforms launched in 1998 in the public enterprise sector, particularly in the cotton sector, and to improving the legal and regulatory framework for private sector activity. They stressed the need for the Central African Republic authorities to strengthen their implementation capacity in those areas and to improve the delivery of basic services in education and health, so as to bring the country on to a path of sustainable development and reduce poverty.

49. Nonetheless, the Government is still failing to pay on time all the salaries and benefits for which it is responsible. On 7 July, a group of students, some armed with stones, protested about the six-month delay in paying them their scholarship awards and had to be dispersed with the use of tear gas. The Prime Minister subsequently met with the students and promised to settle their claims.

VIII. FINANCIAL ASPECTS

50. The General Assembly, by its resolution 53/238 of 8 June 1999, appropriated an amount of $33.4 million for the operation of MINURCA for the period from 1 July to 15 November 1999 and its subsequent liquidation and administrative closing until 30 June 2000. With regard to the estimated costs associated with the supportive role that MINURCA has been authorized to play in the conduct of presidential elections, I have requested authorization from the Advisory Committee on Administrative and Budgetary Questions to enter into commitments to incur additional expenditure in the amount of $6.7 million in connection with electoral support. These additional requirements will be incorporated in the

revised budget for MINURCA that I shall submit to the General Assembly at its fifty-fourth session.

51. Should the Council approve my recommendation contained in paragraph 55 below as to the increase of the strength of MINURCA to 1,498 contingent personnel through the deployment of an additional 148 troops, I shall determine the related requirements when the deployment schedule is finalized and shall seek additional resources from the General Assembly accordingly.

52. As at 30 June 1999, unpaid assessed contributions to the MINURCA special account amounted to $15.3 million. Total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,549.7 million.

53. With regard to the trust fund established on 20 April 1998 for the support of the activities of MINURCA, contributions as at 30 June 1999 totalled $0.87 million, while expenditures amounted to $0.12 million. As indicated in paragraph 18 above, the contribution to the trust fund from the Government of France would be used during the elections period to support the deployment of the Central African armed forces troops.

IX. OBSERVATIONS

54. The sudden upsurge in tension in Bangui arising from a series of incidents involving the Chadian community is a serious cause of concern as the country approaches the presidential elections. Parties preparing for the elections have begun to exchange mutual accusations of non-democratic behaviour and the amassing of arms.

55. Bearing in mind security considerations, including those arising from the recent capture of Gbadolite by Congolese rebels and the flight of thousands of Congolese Government troops into the Central African Republic, I believe it essential to increase the strength of MINURCA through the deployment of an additional 148 troops, bringing the authorized total of the military component to 1,498 all ranks. This figure would also include the additional communications and logistical personnel essential to the support of the elections (see S/1999/621). Consequently, the Security Council may wish to approve the slightly higher force level in order to allow MINURCA to ensure the security of United Nations personnel and electoral operations.

56. The delay in the promulgation of the laws on restructuring the Central African armed forces is cause for concern. As the legal basis for the restructuring programme, the fact that these laws have still not been promulgated casts doubt on the commitment of President Patassé to the reform process in this vital area.

57. The lack of progress in confining FORSDIR to its statutory duties is a source of continuing insecurity among the civilian population, especially foreigners. It is also a source of great disappointment that President Patassé should have informed my Special Representative that he had no intention of taking any of the concrete steps proposed to him on this question. This attitude is inconsistent with the spirit displayed in President Patassé's letter

to me dated 23 January 1999, which was subsequently endorsed by the Council in resolution 1230 (1999). I wish to propose that the Security Council consider additional steps aimed at encouraging President Patassé to fulfil the commitments he has made.

58. The decision by IMF to make available to the Central African Republic an additional SDR 8.24 million in the context of the mid-term review of the first annual ESAF arrangement is very welcome. The Board's relatively favourable review of the economic situation of the Central African Republic, however, must be set against the additional arrears accumulated by the Government and the delays in implementing reform measures. The recommendations of the IMF Board for revenue enhancement and further fiscal reforms should be closely heeded.

59. The much-needed bilateral support provided or pledged to the electoral process by the Governments of Egypt, France, Japan and the United States and by the European Union and UNDP is to be commended. It is hoped that other Member States and international organizations will contribute to the budget of the Electoral Commission. The agreement by the Governments of Canada and Egypt to deploy communications and logistics personnel to the Mission provides MINURCA with indispensable support in its electoral activities.

60. My next report is scheduled to be submitted to the Council at the end of August. However, since the first round of the election will now be held on 29 August and the results will not be available at that time, I would propose, with the consent of the Council, to submit my next report on the situation in the Central African Republic on 30 September.

61. Lastly, I wish to express appreciation to my Special Representative and to the Force Commander, Major General Barthélémy Ratanga (Gabon), and to all the personnel of MINURCA for their efforts during the reporting period.

United Nations Mission in Central African Republic: contributions as at 15 July 1999

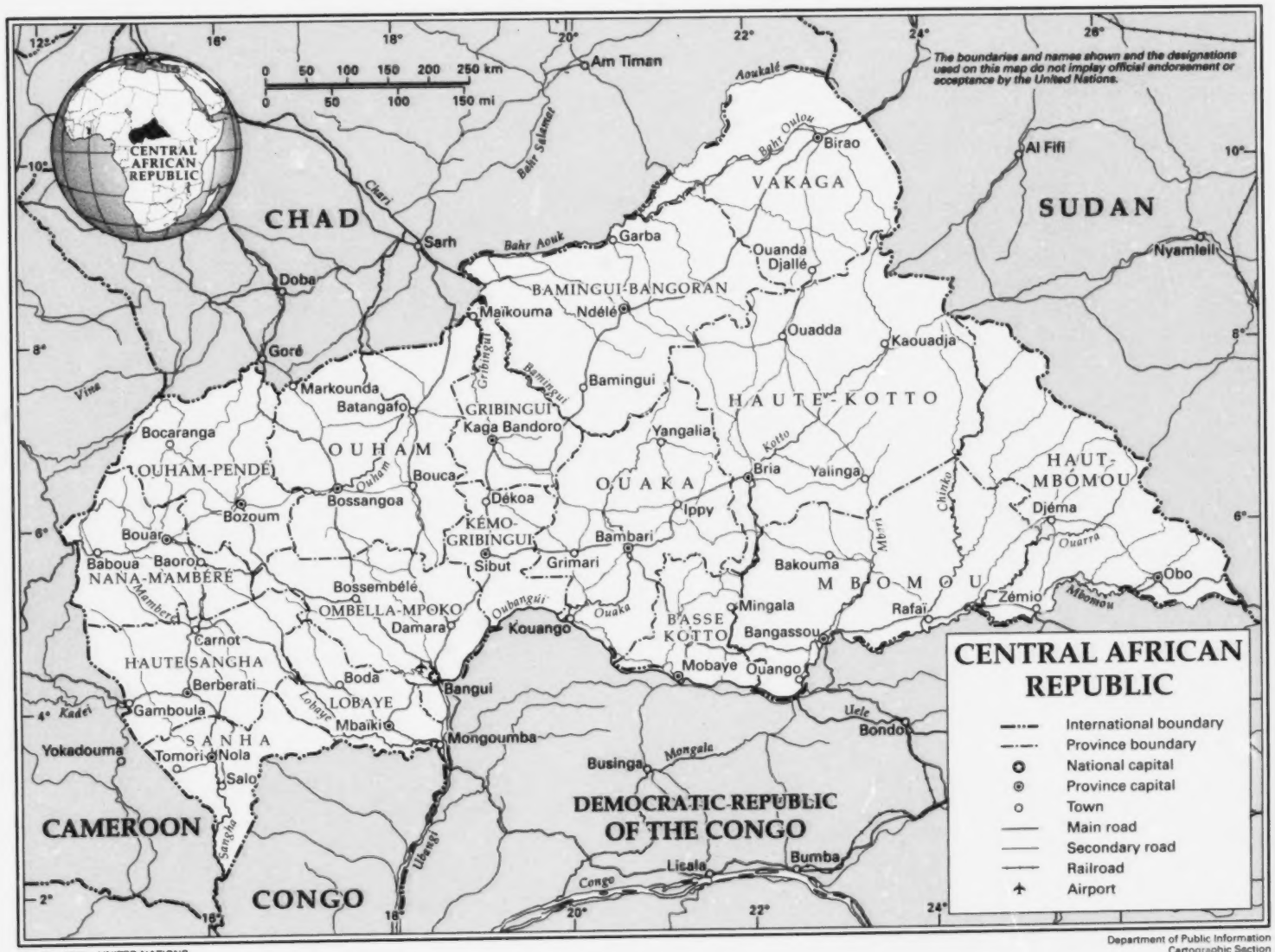
Country	Staff observers	Support unit	Troops	Total
Burkina Faso	6		120	126
Canada	4	25	-	29[a]
Chad	6	-	120	126
Côte d'Ivoire	10	15	210	235
Egypt	8	200	120	328
Gabon	8	-	120	128[b]
Senegal	9	-	120	129
Togo	6	-	120	126
Total	57	240	930	1 227[c]

[a] Not including national support elements (22).

[b] In addition to the Force Commander.

[c] In addition to 24 civilian police observers from Benin (2), Cameroon (1), Côte d'Ivoire (1), France (7), Mali (6), Portugal (2), Senegal (3) and Tunisia (2).

The authorized strength of the military component is 1,350. The current deployment total is 1,227. The available strength of 123 comes from the withdrawal of the Mali contingent (120 troops + 3 staff positions).



Map No. 4048 UNITED NATIONS
April 1998

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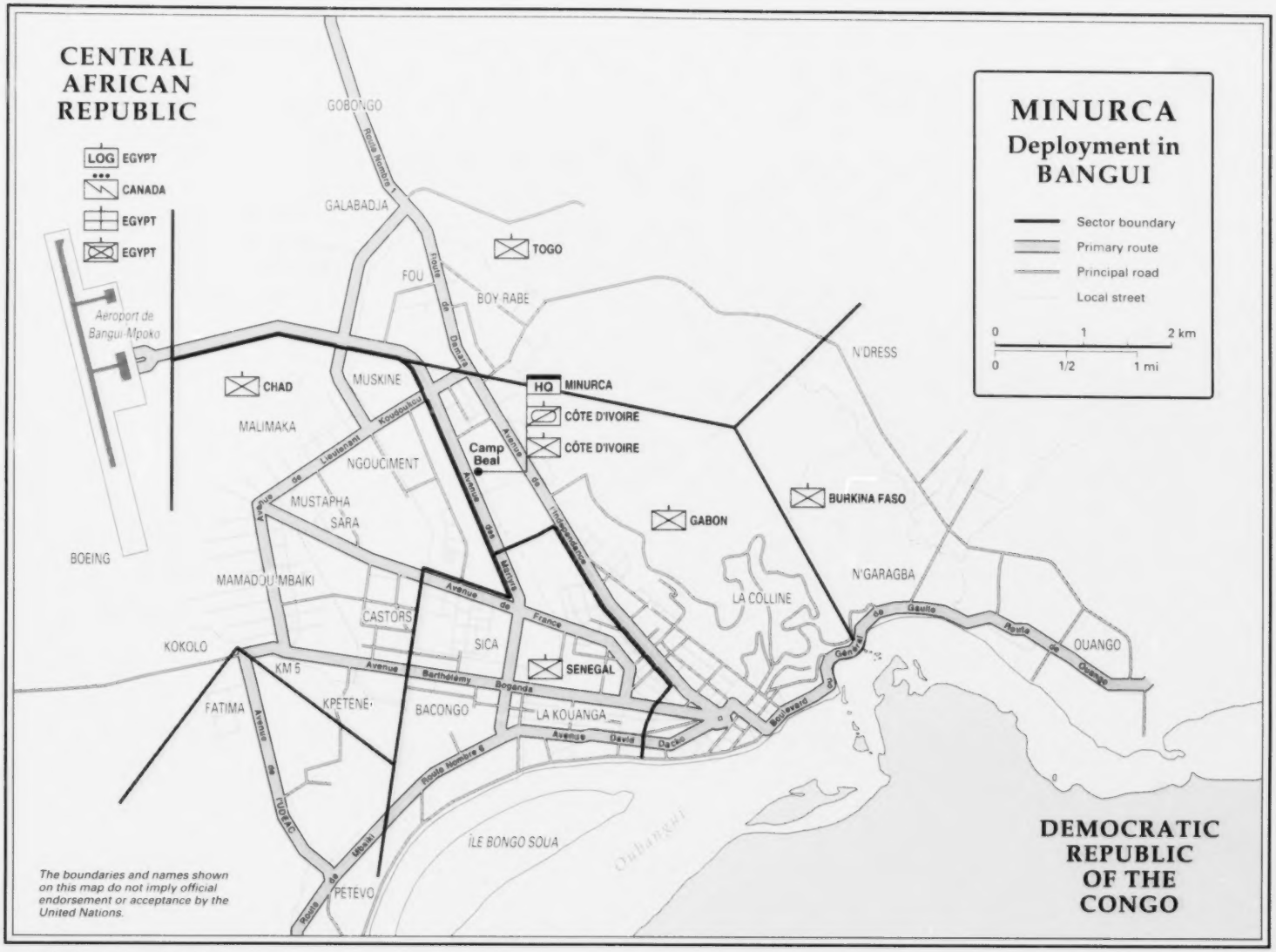

Map No. 4060 Rev. 3 UNITED NATIONS
June 1999

Department of Public Information
Cartographic Section

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/789
15 July 1999

ORIGINAL: ENGLISH

LETTER DATED 15 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a statement by the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia, issued on 15 July 1999, entitled "The Organization of African Unity (OAU) Summit in Algiers says no to territorial acquisition by force" (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

99-20870 (E) 150799

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Annex

Statement entitled "The Organization of African Unity (OAU) Summit in Algiers says no to territorial acquisition by force" issued on 15 July 1999 by the Ministry of Foreign Affairs of Ethiopia

The thirty-fifth session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU), convened in Algiers from 12 to 14 July 1999, has unanimously endorsed the Modalities for the Implementation of the OAU Framework Agreement on the Settlement of the Dispute Between Ethiopia and Eritrea. In doing so, OAU has once again affirmed that it stands for principles and the rule of law.

The Modalities for the Implementation of the OAU Framework Agreement brings no new ideas on top of those already contained in the Framework Agreement which was presented to the two parties in November 1998 and which was accepted by Ethiopia immediately.

The pillar on which the Modalities for the Implementation of the OAU Framework Agreement rests - as does the Framework itself - is the call for the return to the status quo ante that had prevailed until 6 May 1998. Ethiopia has always insisted that this is an indispensable condition for peace and, that short of this, peace between Ethiopia and Eritrea would be an illusion. Aggression should and must be reversed - this is what Ethiopia has always said. OAU has responded in the only way it could if it was to be true to its Charter. Ethiopia has stated basically that what was decided in Algiers is consistent with principles of international law and with principles that Ethiopia has insisted should be respected. This was also what was said to African leaders by the Ethiopian Prime Minister, and Head of the Ethiopian delegation, at the Algiers Summit.

What Eritrea did in Algiers, as the Prime Minister emphasized to his colleagues, was to remove the substance of the proposal by trying to amend it and to then say that it accepted it.

What Eritrea had in fact told the Algiers Summit was that it had a different cut-off date for return to the status quo ante - not 6 May 1998 as is indicated in black and white in the Modalities but, as usual, a date prior to that, specifically July 1997. The Eritrean President was insistent on this, telling the Summit, with no grounds for the claim, that facts to corroborate the Eritrean position had been submitted to the High-level Delegation. Other amendments requested by Eritrea included a demand for compensation for an alleged 56 villages that had been uprooted and for Eritrean urban deportees. It was with all these amendments' having been made that Eritrea expressed its professed acceptance of the Modalities for the Implementation of the OAU Framework Agreement. What is surprising was that the Eritrean amendments were presented to the Summit after the Modalities had been endorsed by the Summit by acclamation and after the discussion moved to consideration of other matters.

Under these circumstances, it would require a leap of faith to believe that Eritrea has accepted the Modalities. What Eritrea said was essentially yes, but, and what follows the but makes the yes not only formal but meaningless.

Will the international community allow Eritrea, once again, to continue prevaricating and thus to continue being an obstacle to peace? The OAU Algiers Summit has made its position clear. It has rejected the Eritrean amendments. The same resolve is required from the international community in order to overcome the challenges that are certain to be posed by the Eritrean lack of sincerity which was so abundantly clear in Algiers. Eritrea has not accepted the Modalities for the Implementation of the OAU Framework Agreement. It is unlikely to do so unless the international community tells it in clear terms that it will not tolerate further prevarication from Eritrea. As the Ethiopian Prime Minister told the Algiers Summit, Eritrea needs to be made to accept the Modalities without if's and but's. That is what the Algiers Summit said should be done and that is what the international community should likewise do. The resolution of the Ethiopian-Eritrean conflict awaits a meaningful role on the part of the international community.

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Security Council

Distr.
GENERAL

S/1999/790
15 July 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS PRELIMINARY DEPLOYMENT IN THE DEMOCRATIC REPUBLIC OF THE CONGO

I. INTRODUCTION

1. In connection with the signing of the Lusaka ceasefire agreement for the Democratic Republic of the Congo on 10 July 1999 by the representatives of the six concerned States, I think it necessary to set forth the implications for the United Nations and to make recommendations to the Security Council accordingly concerning preliminary action that the United Nations could take. It is my hope that the rebels will sign the agreement without further delay and that it can then be implemented promptly and in full.

II. PROVISIONS OF THE CEASEFIRE AGREEMENT

Scope of agreement

2. On 10 July 1999, at Lusaka, the Heads of State of the Democratic Republic of Congo, Namibia, Rwanda, Uganda and Zimbabwe and the Minister of Defence of Angola signed an agreement for a cessation of hostilities between all the belligerent forces in the Democratic Republic of the Congo. The representatives of the Rally for a Democratic Congo and the Movement for the Liberation of the Congo declined to sign.

3. The agreement stipulates that all air, land and sea attacks are to cease within 24 hours of the signing, as well as the movement of military forces and all acts of violence against the civilian population. The forces are to disengage immediately.

4. Other provisions of the agreement concern the normalization of the situation along the international borders of the Democratic Republic of the Congo, including the control of illicit trafficking of arms and the infiltration of armed groups; an open national dialogue between the Government of the Democratic Republic of the Congo, the armed opposition (Rally for a Democratic Congo and Movement for the Liberation of Congo) and the unarmed opposition; the need to address the security concerns of the Democratic Republic of the Congo

and its neighbouring countries; the opening up of humanitarian corridors; and the establishment of a mechanism for disarming all militias and armed groups.

Modalities and timing

5. The agreement also contains the modalities of implementation of the ceasefire. These provide for the establishment of a Joint Military Commission composed of two representatives from each party under a neutral Chairman to be appointed by the Organization of African Unity (OAU) in consultation with the parties.

6. The mandate of the Commission includes the following tasks:

(a) Establishing the location of units at the time of the ceasefire;

(b) Facilitating liaison between the parties for the purpose of the ceasefire;

(c) Assisting in the disengagement of forces to investigate any reports of ceasefire violations;

(d) Verifying all information, data and activities relating to belligerent forces;

(e) Verifying the disengagement of the belligerent forces where they are in direct contact;

(f) Working out mechanisms to disarm armed groups;

(g) Verifying the quartering and disarmament of all armed groups;

(h) Verifying the disarmament of all Congolese civilians who are illegally armed;

(i) Monitoring and verifying the orderly withdrawal of foreign forces.

7. The Commission is to be established within one week of the signing of the agreement (D-Day).

8. Other modalities dealt with in the agreement concern the cessation of hostilities; disengagement; the release of hostages and exchange of prisoners of war; the orderly withdrawal of all foreign forces; national dialogue and reconciliation; the re-establishment of state administration over the territory of the Democratic Republic of the Congo; the disarmament of armed groups; the formation of a national army; the redeployment of forces of the parties to defensive positions in conflict zones; the normalization of the security situation along the common borders between the Democratic Republic of the Congo and its neighbours; and a calendar for the implementation of the ceasefire agreement.

III. ACTIVITIES PROPOSED FOR THE UNITED NATIONS

9. The agreement also contains proposals for an "appropriate force" to be constituted, facilitated and deployed by the United Nations, in collaboration with OAU, to ensure the implementation of the agreement.

10. According to the agreement, the suggested mandate of such a force would include the following tasks:

(a) Working with the Joint Military Commission and OAU in the implementation of the agreement;

(b) Observing and monitoring the cessation of hostilities;

(c) Investigating violations of the ceasefire agreement and taking necessary measures to ensure compliance;

(d) Supervising the disengagement of forces as stipulated in the agreement;

(e) Supervising the redeployment of forces to defensive positions in conflict zones in accordance with the agreement;

(f) Providing and maintaining humanitarian assistance to and protecting displaced persons, refugees and other affected persons;

(g) Keeping the parties to the ceasefire agreement informed of its peacekeeping operations;

(h) Collecting weapons from civilians and ensuring that the weapons so collected are properly accounted for and adequately secured;

(i) In collaboration with the Commission and OAU, scheduling and supervising the withdrawal of all foreign forces;

(j) Verifying all information, data and activities relating to military forces of the parties.

11. The ceasefire agreement also envisages a number of what it calls peace enforcement operations, including the "tracking down" and disarming of armed groups; screening mass killers, perpetrators of crimes against humanity and other war criminals; handing over suspected _genocidaires_ to the International Criminal Tribunal for Rwanda; repatriation; and working out measures for attaining the above objectives.

12. The "armed groups" are identified as the former Rwandan government forces and _interahamwe_ militia, the Allied Democratic Front, Lord's Resistance Army, the Forces for the Defence of Democracy of Burundi, the Former Uganda National Army, the Uganda National Rescue Front II; the West Nile Bank Front; and the National Union for the Total Independence of Angola.

IV. OBSERVATIONS AND RECOMMENDATIONS

13. The conflict in the Democratic Republic of the Congo has inflicted further terrible suffering on a country already heavily burdened with poverty and neglect. An estimated 700,000 persons are displaced within the country, in addition to some 300,000 refugees located on its territory. The United Nations is aware of harrowing accounts of famine and epidemics. Food security and economic conditions, in particular in urban centres, continue to deteriorate at an alarming rate. The conflict has been characterized by appalling, widespread and systematic human rights violations, including mass killings, ethnic cleansing, rape and the destruction of property. The war's effects have spread beyond the subregion to afflict the continent of Africa as a whole. The success of the Congolese parties and the other Governments involved in arriving at a peace agreement can be viewed as a major first step towards an eventual recovery.

14. The international community and the United Nations should therefore do everything in their power to assist the Congolese Government, parties and people, as well as the other Governments involved, in achieving a peaceful solution.

15. In order to be effective, any United Nations peacekeeping mission in the Democratic Republic of the Congo, whatever its mandate, will have to be large and expensive. It would require the deployment of thousands of international troops and civilian personnel. It will face tremendous difficulties, and will be beset by risks. Deployment will be slow. The huge size of the country, the degradation of its infrastructure, the intensity of its climate, the intractable nature of some aspects of the conflict, the number of parties, the high levels of mutual suspicion, the large population displacements, the ready availability of small arms, the general climate of impunity and the substitution of armed force for the rule of law in much of the territory combine to make the Democratic Republic of the Congo a highly complex environment for peacekeeping.

16. In the light of the above, I would strongly recommend that the Security Council immediately authorize the deployment up to 90 United Nations military personnel, together with the necessary civilian political, humanitarian and administrative staff, to the subregion. The military personnel would serve mainly as liaison officers to the national capitals and rear military headquarters of the main belligerents, especially Kinshasa and elsewhere within the Democratic Republic of the Congo, Kigali, Kampala, Luanda, Harare and Windhoek, as well as a liaison cell at Lusaka. They would need appropriate communications equipment and air assets in order to perform their functions and keep me fully informed of the situation on the ground.

17. As a second stage, on the basis of the report of the technical survey team and of the liaison group, I would then be prepared to recommend a further deployment, which could involve up to 500 military observers within the Democratic Republic of the Congo and as required to the belligerent and other neighbouring States. It would also be necessary to ensure their security, and I would formulate my recommendations accordingly.

18. The tasks of the military observers, which would be in accordance with the peacekeeping functions listed in the agreement, would include the following:

(a) To establish contacts with the various parties at their headquarters locations, including in the capitals of the belligerent States;

(b) To establish liaison with the Joint Military Commission and collaborate with it in the implementation of the agreement;

(c) To assist the Commission and the parties in investigating alleged violations of the ceasefire;

(d) To make a general security assessment of the country;

(e) To secure from the parties guarantees of cooperation and assurances of security for the further deployment in-country of military observers;

(f) To determine the present and likely future locations of the forces of all parties with a view to developing the concept for deployment of United Nations military personnel;

(g) To observe, subject to the provision by the parties of adequate security, the ceasefire and disengagement of the forces and their redeployment and eventual withdrawal;

(h) To facilitate the provision of humanitarian assistance to and protecting displaced persons, refugees and other affected persons;

(i) To assist the Department of Peacekeeping Operations in further refining its concept of operations for subsequent deployments.

19. The Department of Peacekeeping Operations has already approached potential troop-contributing countries to assess their readiness to provide military observers and, ultimately, formed units for subsequent stages of deployment subject to Council approval.

20. I have also decided to appoint in due course a Special Representative, assisted by an appropriate staff, including a Chief Military Observer, to lead the observer mission, which shall be called the United Nations Observer Mission in the Democratic Republic of the Congo (MONUC). I have also ordered the dispatch of a small advance team to the region to clarify the role to be played by the United Nations of the 10 July 1999 agreement and to establish contacts and liaison with the authorities in Lusaka. As soon as the conditions are in place to allow it to do its work in all parts of the country, I will send a technical survey team to the Democratic Republic of the Congo to make the necessary political and military contacts to pave the way for subsequent deployments and assess the state of logistical capacity in the mission area. The estimated costs of the advance and reconnaissance teams and of the liaison group will be submitted to the Council in an addendum to the present report.

21. The problem of armed groups is particularly difficult and sensitive. It lies at the core of the conflict in the subregion and undermines the security of all the States concerned. Unless it is resolved, no lasting peace can come.

22. A purely military solution appears to be impossible, if only because the forces most able and willing to impose a military solution have clearly failed to do so. I therefore intend to revert to the Security Council with detailed proposals for the deployment of a peacekeeping mission, including its mandate and concept of operations, once I have carefully reviewed the situation on the ground in the light of MONUC's reports.

23. At the same time, it is essential for the Congolese parties to proceed with their national debate, as provided for in the agreement, in order to work towards national reconciliation through dialogue among all groups concerned. For its part, the international community could then be in a position to convene an international conference on the Great Lakes region in order to secure the commitment of donors to the recovery of the region as a whole.

24. Even at this stage, however, I foresee the need for the establishment of a well funded, well planned and long-term programme for the disarmament, demobilization and reintegration into society of former combatants. The benefits of such a programme will need to be widely publicized in order to attract the fighters now under arms. I am encouraged in this respect by the provision in the ceasefire agreement that permits the countries of origin of members of armed groups to take themselves all the necessary measures to facilitate repatriation, including the granting of amnesty (except to persons suspected of crimes against humanity or genocide). It will also be necessary to include in the mandate of any eventual peacekeeping mission measures to address the human rights violations that have characterized this conflict. I will revert to the Council as soon as the situation has been clarified. The necessary first step will be the signing of the agreement by the two rebel groups, the Congolese Rally for Democracy and the Movement for the Liberation of Congo amid a renewed resolve by all concerned to carry it out in good faith.

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Security Council

Distr.
GENERAL

S/1999/791
16 July 1999

ORIGINAL: ENGLISH

LETTER DATED 16 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF INDONESIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Indonesia has taken careful note of an assessment provided to the Security Council regarding the security conditions in East Timor, that "violence and intimidation have continued to be carried out with impunity by pro-autonomy militias" (S/1999/786). This assessment depicts an imbalanced picture, and Indonesia is obliged to share with you the prevailing realities.

I should therefore like to draw your attention to some recent facts which I hope will assist the Security Council in having a more complete appreciation of the true situation on the ground. In one case, a person from Diosa village, Bobonaro district, named Hornando Gobya Late, was kidnapped on 11 July 1999 by about 30 armed men belonging to the anti-autonomy group. Regrettably, his whereabouts remain unknown. In yet another case, two people by the name of Marcelino Babo and Mario of the Wurahu village, Emera district, were kidnapped on 12 July by about nine armed people from the anti-autonomy group, and are still missing. Meanwhile, on 13 July 1999, the authorities discovered the decomposed body of a pro-autonomy individual named Dominggus in an area located between the subdistricts of Barique and Turiscai. During that period, approximately 20 armed men from the anti-autonomy group were reported to be operating in the vicinity.

Indonesia's close monitoring of these activities are a reflection of its firm commitment to implement in letter and spirit the 5 May 1999 agreements. Furthermore, in line with its pronouncement that it would bring the perpetrators to justice, regardless of which group they belonged to, the Indonesian police have detained members of the pro-autonomy group for their respective roles in the incidents that took place in Liquica on 3 and 4 July 1999. This prompt action was taken while further information is being sought from witnesses. In addition, as recently acknowledged by the United Nations Mission in East Timor (UNAMET), the Indonesian police acted swiftly to prevent an incident in Maliana on 13 July 1999, when a group of people attempted to enter the UNAMET residence.

It is, therefore, more accurate to describe these few incidents, as well as those that have been reported to the Security Council, as having been caused by some differences in viewpoints between the pro-autonomy and anti-autonomy groups.

Hence, it is Indonesia's sincere hope that the review of the security situation in East Timor will fully take into account the prevailing realities on the ground, including the Government's sincere efforts to fulfil its obligations with regard to security, and thereby assure a more peaceful and tranquil environment for the holding of the popular consultation.

It will be greatly appreciated if you would have the present letter circulated as a document of the Security Council.

(Signed) Makarim WIBISONO
Ambassador
Permanent Representative

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Distr.
GENERAL

S/1999/792
16 July 1999

ORIGINAL: ENGLISH

LETTER DATED 16 JULY 1999 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF SIERRA LEONE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to forward herewith an address to Parliament by President Ahmad Tejan Kabbah, on the Lomé Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front (see annex).

It would be greatly appreciated if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Fode M. DABOR
Ambassador, Chargé d'affaires a.i.

99-21013 (E) 190799

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Annex

Address to parliament by the President of Sierra Leone on the signing in Lomé of the comprehensive Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front

When my government came into office, the thrust of our policy was two-fold. First to end a war we had not started and second to provide opportunities for all Sierra Leoneans to realise their full potential. Two days ago, in an address prior to my departure for Lome, I told the Nation that inspite of the conflicting reports we had been receiving over the previous few days and hours, I had reason to believe that we were close to finalising a peace agreement with the RUF that would provide real and lasting peace for our country. I am pleased to report that our expectations have become reality. Yesterday, July 7, I signed, on behalf of all peace loving Sierra Leoneans, a document which, by God's grace, will lay a solid foundation for sustainable peace which has eluded us for more than eight years.

Today, Sierra Leoneans have every reason to sing and shout for joy. However, I do hope that we shall punctuate our celebration of this historic event with moments of prayers of thanksgiving or quiet meditation. I know that we have all been praying for our country and for the end of the armed conflict which has devastated it for nine years. However, our prayers for Sierra Leone should not end with the signing of the peace agreement. In fact, we should now intensify our prayers, for with the signing of the peace agreement, we have embarked on the long and painful journey of healing and national reconciliation.

There will be plenty of time to discuss, explain, debate, analyze and interpret the contents of the Lome agreement and my Government will ensure that every citizen of this country is given the opportunity to fully participate in this process. In this regard, a comprehensive national sensitization strategy will be worked out and implemented by the Ministry of Information, Communication, Tourism and Culture in collaboration with the Ministry of Youth, Education and Sports; the National Commission for Democracy and Human Rights; the National Commission for Reconstruction, Rehabilitation and Resettlement; and the National Committee for Disarmament, Demobilization and Reintegration. The strategy will include nationwide tours by me.

In the next few days my Government intends to introduce a bill in Parliament which will incorporate the Lome Agreement. The Attorney General who was also the leader of the Government delegation at the peace talks will make himself available to elucidate all the articles of the agreement to members. Today, however, I would like to talk briefly about the spirit of Lome and highlight to you some of the most important provisions of the agreement.

As I said in my broadcast to the nation two days ago, when we decided to engage in negotiations with the RUF, we knew that the process was not going to be smooth sailing. We knew we would have to make some compromises. However, as I stated in my address at the State Opening of Parliament on June 11 this year, *"we entered the dialogue on the principle and conviction that Government derives all its powers and authority from the people, and this is the cornerstone of our Constitution."* I also assured you that *"...in our search for the peace which we all desire, we shall not mortgage that fundamental principle of democratic governance."*

I am pleased to inform you that the agreement we signed with the RUF yesterday does not in any way violate those fundamental principles. In addition to this, we have succeeded in upholding and preserving the sanctity of our Constitution.

During the course of the negotiations with the RUF, there were those, in and outside Lome, who said that the Government had a lot to give, and that the RUF rebels who had been in the bush for almost nine years, had nothing to give. I am sure today that there are those who are saying that the Government has given the RUF not just a lot but far too much, and that the RUF has given very little or nothing at all. However, I have no doubt you will agree with me that after so much pain and suffering, after so much destruction of life and property, it would be a disservice to this nation and its survivors if anyone should judge the peace agreement merely in terms of what was given or not given. In any case, the question of what was given should be evaluated in relation to the RUF's initial and constant demands.

I suggest that we should focus attention on what we have derived from Lome in terms of attaining peace and bringing an end to the suffering of our people.

Our priorities for current and post conflict security which are reflected in the Lome Agreement are the following:

First and foremost, all hostilities have now ended. All combatants of the RUF, CDF and paramilitary groups will be disarmed and demobilized by a neutral force comprising ECOMOG and United Nations observers. The phased withdrawal of ECOMOG will be directly linked with the phased training and deployment of the restructured Sierra Leone Armed Forces. Then there is provision for technical assistance in the identification, disposal or destruction of unexploded bombs, anti-personnel land mines and similar dangerous weapons. War victims will benefit from a special trust fund and the welfare and rehabilitation of all former combatants are also assured under an expanded disarmament, demobilization and reintegration (DDR) programme.

In this regard, I am pleased to report that in order to ensure the speedy implementation of the disarmament and demobilisation programme which is crucial for the successful implementation of the Lome Agreement, I have today handed a letter to the United Nations Secretary General, Mr. Kofi Annan, requesting the urgent deployment of additional United Nations peacekeepers in Sierra Leone. I have been assured that the matter will receive urgent attention by the Security Council.

One of the most important articles of the Lome Agreement is that which makes provision for the establishment of a Commission for the Management of Strategic Resources, National Reconstruction and Development (CMRRD). You will recall that in my address at the State Opening of Parliament in 1998, I expressed dismay at the fact that the people of this country have not been benefiting from the numerous mineral resources we have, particularly gold and diamonds. I pointed out then that the State has in fact been subsidizing the activities of those who have been exploiting these resources, rather than deriving revenue from their activities. I am therefore pleased to inform you that the provisions of the article establishing the CMRRD will make this a thing of the past. Henceforth, the people of this country will reap the full harvest from the exploitation of our gold and diamonds.

The peace agreement we signed in Lome yesterday is the second peace agreement we have signed with the RUF. You will recall that in November 1996 we signed the Abidjan Peace Accord. As a result of this, I am sure there are serious doubts in the minds of many people as to whether this time we will succeed in our efforts to achieve lasting peace. Let me assure you that I am confident we will succeed this time. My confidence is based on the fact that there are major differences not only in the prevailing circumstances, but also in the letter and spirit of the two agreements.

In the first place, countries like Liberia, Burkina Faso and Libya were fully involved in the negotiation process and their leaders have committed themselves to doing all in their power to ensure that the Lome Agreement is fully implemented.

Secondly, the Lome Agreement establishes a Joint Implementation Committee with significant involvement of the international community for monitoring the implementation of the Agreement. A clear manifestation of the seriousness with which this task is being approached is the fact that members of the ECOWAS Committee of Seven on Sierra Leone have already agreed to visit Sierra Leone in August to assess progress on implementation of the agreement.

A third major difference between the Abidjan Peace Accord and the Lome Agreement is the security guarantees provided under the Lome Agreement which guarantee the safety and security of all Sierra Leoneans

At this point, I would like to emphasize that the signing of the peace agreement in Lome marks the end of the process of making peace. But it also marks the beginning of another difficult process, namely; peace-building, peace-keeping, and national reconciliation. If we fail to consolidate and keep the peace, or to build on what we have achieved in Lome, we would be denying our children their God given right to life and to live in peace and security and without fear.

I would therefore like us to dedicate and bequeath the peace agreement, as I did in Lome, to all the children of Sierra Leone – thousands of them – who have lost their lives or who have been maimed, orphaned, displaced, abused and made homeless. We should of course not forget those children who were given weapons to kill their elders. Let us reflect on the spirit of the agreement and the promise it holds for them and all other Sierra Leoneans.

In keeping with the spirit of Lome, therefore, and as a first step in consolidating the peace, my Government will take appropriate legal steps to effect the release from custody of all those charged

or convicted with treasonable offenses and to grant them free pardon. This has already been done for Corporal Foday Sankoh. I urge all Sierra Leoneans to accept them back into your midst so we can begin the difficult process of healing the many wounds inflicted by so many years of brutal conflict. At this time, it is important that there should be no reprisals from any quarter. I know it will be difficult for many of us, but in building peace, we must refrain from such acts. May I also add that the time is opportune for all of us to begin to cultivate the culture of trust in each other.

In the same spirit, I believe our people deserve an apology, or at least, a solemn expression of regret and deep sorrow from all those whose activities, undertaken in pursuit of their objectives, brought so much suffering to this nation. This, you will agree is the first prerequisite for pardon and reconciliation. I am therefore pleased to report that the leader of the RUF did express such regret at the ceremony for the signing of the peace agreement in Lome yesterday.

As I stated in my address at the State Opening of Parliament in June this year, the most profound element of the peace agreement we signed yesterday is the pledge that never again will Sierra Leoneans take up arms and use force against one another as a means of bringing about change in this country. There is also the pledge to settle all past, present and future differences and grievances peacefully through dialogue. These are embedded in the spirit of Lome.

I would also like to take this opportunity to suggest that in discussing the Lome peace agreement, we should take into account the fact that the conflict which has been brought to an end was our responsibility but not ours alone. Similarly, decisions for resolving it are our responsibility but not ours alone. Sierra Leone is a member of ECOWAS, the OAU, the Commonwealth and the United Nations. Our problems and aspirations must be viewed from the regional, sub-regional and international perspectives. We are not alone. We have faithful and reliable friends and allies, benefactors and partners, all of whom have in diverse ways helped to map out the journey that we began yesterday at the signing of the peace agreement. As guarantors of the agreement we have no doubt that they will travel along with us to monitor implementation of the agreement and to continue to assist us in our effort for the consolidation of peace and national reconstruction. Over and above this, and due to our sad experience, particularly in respect of the ineffective security situation we inherited, we have now put in place a security system which will ensure we will never again be taken by surprise.

To all Sierra Leoneans, both at home and abroad, to our brothers and sisters who today find themselves in refugee camps or are internally displaced, I would like to assure you that the action we have taken is in the best interest of our country, painful though it may be for some. Without peace we cannot survive as a nation. I therefore call on you to view the Agreement as an inevitable and essential step in our journey on the road to lasting peace and prosperity. In keeping with the new spirit of peace, I am pleased to inform you that with effect from today the curfew hours have been changed to 8.00 p.m to 7.00 a.m.

Let me end by expressing, on behalf of all Sierra Leoneans, our heartfelt thanks to President Eyadema of Togo for hosting the peace talks and to President Obasanjo of Nigeria for his timely initiative to give the peace-making process a new momentum. Let me also, on your behalf, express sincere gratitude to the troop contributing countries – Nigeria, Guinea, Ghana and Mali. Special thanks however go to Nigeria and Guinea, for shouldering so much of our security burden over the

past nine years. Our grateful thanks also go to Britain, China, the United States, ECOWAS, the OAU, the Commonwealth, the UN and all those other countries and organisations that, in one way or the other, have assisted us in getting to this point.

As a nation, we have finally emerged from darkness into light. May God grant that the peace agreement we signed in Lome yesterday is indeed the seal of a just and lasting peace in our beloved country.

UNITED
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General Assembly
Security Council

Distr.
GENERAL

A/53/1022
S/1999/793
16 July 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 19
ADMISSION OF NEW MEMBERS TO THE
UNITED NATIONS

SECURITY COUNCIL
Fifty-fourth year

Application of the Kingdom of Tonga for admission to membership in the United Nations

Note by the Secretary-General

In accordance with rule 135 of the rules of procedure of the General Assembly and rule 59 of the provisional rules of procedure of the Security Council, the Secretary-General has the honour to circulate herewith the application of the Kingdom of Tonga for admission to membership in the United Nations, contained in a letter dated 8 July 1999 from the Minister for Foreign Affairs and Defence of the Kingdom of Tonga to the Secretary-General.

ANNEX

Letter dated 8 July 1999 from the Minister for Foreign Affairs and Defence of the Kingdom of Tonga to the Secretary-General

In accordance with the provisions of Article 4 of the Charter of the United Nations, and with those of rule 58 of the provisional rules of procedure of the Security Council and rule 134 of the rules of procedure of the General Assembly, I have the honour, on behalf of the Government of the Kingdom of Tonga and in my capacity as Minister for Foreign Affairs and Defence, to request the admission of the Kingdom of Tonga as a Member of the United Nations.

I would accordingly be grateful if you would arrange for this application to be placed before the Security Council and the General Assembly for their consideration.

For this purpose, the following declaration is made in pursuance of rule 58 of the provisional rules of procedure of the Security Council and rule 134 of the rules of procedure of the General Assembly (see enclosure).

Enclosure

Declaration

In connection with the application by the Kingdom of Tonga for membership in the United Nations, I have the honour, on behalf of the Kingdom of Tonga, and in my capacity as Minister for Foreign Affairs and Defence, to declare that the Kingdom of Tonga accepts the obligations contained in the Charter of the United Nations and solemnly undertakes to fulfil them.

(Signed) 'Ulukalala-Lavaka-Ata
Minister for Foreign
Affairs and Defence

UNITED
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Security Council

Distr.
GENERAL

S/1999/794
16 July 1999

ORIGINAL: ENGLISH

LETTER DATED 16 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the texts of:

1. President Isaias Afwerki's speech (see annex I) delivered when the Assembly of Heads of State and Government of the Organization of African Unity (OAU), meeting at Algiers on 14 July 1999, endorsed the Modalities for the Implementation of the Framework Agreement proposed by the OAU High-Level Delegation on the Dispute between Ethiopia and Eritrea;

2. Letter dated 14 July 1999 from President Isaias Afwerki to President Abdelaziz Bouteflika, the Current Chairman of OAU (see annex II), formally accepting the Modalities proposed by the OAU High-Level Delegation and endorsed by the OAU Algiers Summit on 14 July 1999;

3. The Modalities for the Implementation of the OAU Framework Agreement (see annex III).

I should be grateful if you would kindly circulate the present letter and its annexes as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

99-21007 (E) 190799

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Annex I

Speech delivered by the President of Eritrea on 14 July 1999

It is Eritrea's understanding of the Framework Agreement and the Modalities presented to us that:

1. The principle of non-acquisition of force applies equally to both sides and to all territories seized since the conflict started;

2. Redeployment and interim arrangements do not prejudge the status of the territories concerned;

3. Undoing the damage done by the conflict does not only require redeployment, but more importantly addressing the humanitarian dimensions of the conflict. In this regard, it is imperative to fully compensate the deportees, if not for the irreparable harm done to them, at least for expropriated property;

4. Demarcation will be carried out expeditiously in order to bring the dispute to a quick end.

On the basis of this understanding, and in the interests of peace, which we owe not only to the people of Eritrea, but, may I add, also to the people of Ethiopia, and our continent as a whole, and as a mark of goodwill to OAU, Eritrea has decided to accept the "Modalities for the Implementation of the Framework Agreement" presented to us by the High-Level Delegation. In accepting the Framework and its Modalities, Eritrea hopes to make its small contribution to the realization of the lofty objective proposed by the newly elected President of Africa's giant, Nigeria, General Obasanjo - and I believe endorsed by this Summit - to make the year 2000 "The Year of Peace and Security" in Africa.

Eritrea knows the bitterness of war and also the taste of the fruits of peace. It has absolutely no interest, and sees no advantages, in war. Our Ethiopian neighbours may pride themselves on the size of their country and population. But the experience of Algeria, which inspired us when we were launching our own liberation struggles, as indeed the whole lesson of the decolonization of our continent, including Eritrea's own liberation, point eloquently to the pitfalls of that thinking. More importantly, here in Africa, leave alone the poorer amongst us, the riches in our midst, can ill-afford war.

So let's endeavour to put this sad chapter behind us and work for peace. This will be no easy task. There will be problems and pitfalls along the way. But with determination and the support of Africa and the world at large, there is no reason we cannot succeed. Let me assure your excellencies that Eritrea will work indefatigably for peace.

Annex II

Letter dated 14 July 1999 from the President of Eritrea addressed to the President of Algeria, Current Chairman of the Organization of African Unity

We have carefully considered the Modalities for the Implementation of the Framework Agreement, which have been presented to us by the OAU High-Level Delegation. Let me share with you our key observations.

In regard to the key principle of non-acquisition of territory by force, Eritrea believes that this principle should apply to any and all territories occupied by either side since the conflict between the two countries started. Eritrea has presented evidence to OAU that the conflict started at the very least in July 1997 and on that basis the OAU Framework called for an investigation into the events between July 1997 and May 1998. Eritrea believes that the principle of non-acquisition of territory by force, if it is really being regarded as a principle and not an expediency, should also apply to those areas that changed hands between July 1997 and May 1998, thus triggering the conflict. Eritrea would also like to stress that there are areas in Eritrea that Ethiopia occupied after May 1998 and before February 1999. Eritrea had indeed provided this information to the OAU High-Level Delegation as early as June 1998. Obviously the principle should also apply to these territories.

Apart from these issues of principle, Eritrea believes there is an oversight of language in operative paragraphs 1 and 2. In the interests of consistency, the wording of operative paragraph 1 needs to be brought in line with operative paragraph 2 and read: "The Eritrean Government commits itself to redeploy its forces from positions taken after 6 May 1998". This will then be consonant with operative paragraph 2, which reads: "The Ethiopian Government commits itself to redeploy, thereafter, its forces from positions taken after 6 February 1999".

Based on the Framework Agreement and the Modalities presented to us, Eritrea understands that:

1. The principle of non-acquisition of territory by force applies equally to both sides and to all territories seized since the conflict started;

2. Redeployment and interim arrangements do not prejudge the status of the territories concerned;

3. Undoing the damage done by the conflict does not only require redeployment, but more importantly addressing the humanitarian dimensions of the conflict. In this regard, it is imperative to fully compensate the deportees, if not for the irreparable harm done to them, at least for expropriated property; and

4. Demarcation will be carried out expeditiously in order to bring the dispute to a quick end.

On the basis of this understanding and in the interests of peace, Eritrea has decided to accept the "Modalities for the Implementation of the Framework Agreement" presented to us by the High-Level Delegation.

(Signed) Isaias AFWERKI
President of the State of Eritrea

Annex III

Modalities for the Implementation of the OAU Framework Agreement on the Settlement of the Dispute between Ethiopia and Eritrea

The two parties reaffirm their commitment to the principle of the non-use of force to settle disputes.

The two parties reaffirm their acceptance of the Framework Agreement and commit themselves to implement it in good faith.

There shall be a return to positions held prior to 6 May 1998.

On the basis of these principles, the two parties agree on the following modalities for the implementation of the Framework Agreement:

1. The Eritrean Government commits itself to redeploy its forces outside the territories they occupied after 6 May 1998.

2. The Ethiopian Government commits itself to redeploy, thereafter, its forces from positions taken after 6 February 1999 and which were not under Ethiopian administration before 6 May 1998.

3. The two parties agree to put an end to all military activities and all forms of expression likely to sustain and exacerbate the climate of hostility and thus compromise the implementation of the Framework Agreement.

4. The redeployment of troops shall commence immediately after the cessation of hostilities. This redeployment shall not, in any way, prejudice the final status of the territories concerned, it being understood that this status will be determined at the end of the border delimitation and demarcation.

5. The modalities for the re-establishment of the civilian administration and population in the concerned territories shall be worked out after the cessation of hostilities.

6. The two parties accept the deployment of military observers by OAU in cooperation with the United Nations. The Group of Military Observers will supervise the redeployment of troops as stipulated in the present modalities and carry out all other duties that are entrusted to it, in conformity with the relevant provisions of the Framework Agreement.

7. The two parties commit themselves to sign a formal ceasefire agreement which provides for the detailed modalities for the implementation of the Framework Agreement.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/795
16 July 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 16 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF FINLAND TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to draw your attention to the statement by the Presidency on behalf of the European Union concerning the Sierra Leone peace agreement (see annex).

I should be grateful if you would arrange for the text of this letter and the annex thereto to be circulated as a Security Council document.

(Signed) Marjatta RASI
Permanent Representative

99-21019 (E) 160799 160799

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Annex

Statement by the Presidency on behalf of the European Union on the Sierra Leone peace agreement

The European Union welcomes the signature of the peace agreement by the Government of Sierra Leone and the Revolutionary United Front (RUF) representatives in Togo on 7 July 1999. The European Union commends the role of all those involved in bringing about this agreement, in particular the contributions of the Special Representative of the Secretary-General of the United Nations, the President of Togo as current Chairman of the Economic Community of West African States (ECOWAS), who hosted the talks, and the Presidents of Nigeria, Burkina Faso and Liberia.

The European Union calls upon all parties to adhere strictly to the terms of the peace agreement in order to achieve a lasting peaceful resolution of a conflict that has imposed immense suffering on the people of Sierra Leone. In this respect, the European Union emphasizes that the accountability of individual perpetrators of grave human rights violations is important in ensuring a fair and equitable justice system and ultimately, reconciliation and stability in Sierra Leone. The European Union, accordingly, welcomes the establishment of a Truth and Reconciliation Commission as provided for in the agreement, and stresses the importance of its successful functioning.

The European Union stands ready to give its support in the implementation of the peace agreement and to further stability and lasting peace in Sierra Leone. The European Union also underlines its readiness to support the United Nations and ECOWAS, which both have an important role to play in the implementation of the agreement.

The Central and Eastern European countries associated with the European Union, the associated country Cyprus and the European Free Trade Association (EFTA) countries, members of the European Economic Area, align themselves with this statement.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/796
16 July 1999

ORIGINAL: ENGLISH

LETTER DATED 16 JULY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I am writing to present the remarks of the Federal Republic of Yugoslavia regarding your report on the United Nations Mission of Observers in Prevlaka (UNMOP) (S/1999/764) of 8 July 1999.

According to the original concept of the United Nations security system established in 1992, the northern part of the area extending to the three-border junction between Yugoslavia, Bosnia and Herzegovina and Croatia (Bjelotina) does not belong to the demilitarized zone. Yugoslavia never accepted it as such irrespective of the fact that it has allowed that the area be monitored as an expression of good will. This area, therefore, cannot be the subject of a report of the Secretary-General, in particular not as an area in which an alleged violation of the United Nations security system takes place.

Yugoslavia takes exception to the part of the report relative to crossing points. They have been opened unilaterally by the Republic of Croatia, while the Federal Government of the Federal Republic of Yugoslavia, within whose jurisdiction is the question of crossing points, has not agreed to their opening. Opening crossing points implies a conclusion of a bilateral agreement between the two States.

In conclusion, I would like to point out that Yugoslavia has always called for the preservation of the original concept of the United Nations security system on Prevlaka, on which the two sides agreed in the agreement on normalization of their relations, published as a document of the Security Council (S/1996/706, annex).

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-21043 (E) 190799

UNITED
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Security Council

Distr.
GENERAL

S/1999/797
16 July 1999

ORIGINAL: ENGLISH

LETTER DATED 16 JULY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I am writing to advise you of the views and positions of the Government of the Federal Republic of Yugoslavia on your report on the United Nations Interim Administration Mission in Kosovo (UNMIK) of 12 July 1999 (S/1999/779).

The Federal Republic of Yugoslavia takes exception to the presentation of the overall situation in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia. The presentation is not only perfunctory, it is also biased and tendentious. Critical in detail of the alleged transgression of the Serbian, i.e., Yugoslav, side, the report fails to address, or dilutes the true account of, the security situation in this Serbian province following the deployment of KFOR and the arrival of UNMIK. The performance of KFOR and UNMIK is assessed in very positive terms despite the fact that, in their presence, the Albanian terrorists and criminal gangs threaten, abduct and kill Serbian civilians, loot their property, evict the Serbs from their homes and apartments, occupy public institutions and businesses and burn Serbian shrines and monasteries unperturbed. The report is silent about the disarmament of the so-called "Kosovo Liberation Army" (KLA) and its responsibility for the creation of an atmosphere of anarchy and for the exodus of the non-Albanian population.

In particular, the Federal Republic of Yugoslavia takes exception to the definition of the mandate and authority of the Mission (paras. 35-42), which determine the authority and competencies of the Special Representative of the Secretary-General. They de facto suspend the sovereignty of the Federal Republic of Yugoslavia in Kosovo and Metohija and provide for an unlimited mandate of UNMIK, which constitutes a drastic violation of Security Council resolution 1244 (1999) and accompanying documents (military/technical agreement). Contrary to the definition, the resolution sets forth in clear terms the responsibilities of the international security presence in Kosovo and Metohija (para. 9) and the responsibility of the international civil presence (paras. 10 and 11). In paragraph 10 it is expressly said that the Secretary-General is authorized to establish an international civil presence in Kosovo and Metohija "in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia". The Mission should ensure transitional administration while

establishing and overseeing the development of provisional democratic institutions of self-government, aimed at ensuring a peaceful and normal life for all inhabitants of Kosovo and Metohija. This is reiterated also in annex 2 to the resolution, under point 5, which provides for the establishment of an "interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia".

The report tends to interpret the mandate of UNMIK very broadly, outside the framework provided for by the resolution. In flagrant contrast to the resolution are those paragraphs of the report related to the authority of UNMIK:

- Paragraphs 20 and 26, in which UNMIK arrogates the right to select and appoint Serbian representatives in Kosovo and Metohija;

- Paragraph 35, according to which UNMIK authority amounts to a de facto power over the territory and people of Kosovo;

- Paragraph 36, which limits the validity and implementation of the laws of the Federal Republic of Yugoslavia and of the Republic of Serbia in Kosovo and Metohija and determines that they shall be implemented only insofar as they do not conflict with internationally recognized human rights standards or with regulations issued by the Special Representative in the fulfilment of the mandate given to the United Nations by the Security Council;

- Paragraph 37, by which UNMIK arrogates the authority to administer any movable or immovable property, including monies, bank accounts and any property of or registered in the name of the Federal Republic of Yugoslavia or the Republic of Serbia or any of its organs which is in the territory of Kosovo and Metohija;

- Paragraphs 39 to 41 related to the authority and competencies of the Special Representative of the Secretary-General, by which he arrogates the right to change, repeal or suspend the existing laws of the Federal Republic of Yugoslavia and the Republic of Serbia, make appointments to public functions, including the judiciary and other civil structures, and to issue legislative acts;

- Paragraphs 60 to 62 related to UNMIK and KFOR functions which, in providing for deploying border police, constitute and attempt to derogate the Yugoslav sovereignty in violation of the resolution (para. 4 and annex, 2, para. 6);

- Paragraph 80, which envisages UNMIK involvement in creating political parties and structures in Kosovo and Metohija;

- Paragraph 93, which describes the Serbs as an ethnic minority in their own State;

- Paragraphs 101 to 109, which create a closed economic system in Kosovo and Metohija, hint at the introduction of a separate currency and, contrary to the spirit of the resolution, set up a separate economic and financial banking and tax system in Kosovo and Metohija.

The Federal Republic of Yugoslavia is expressly opposed to the provision contained in paragraph 36, according to which UNMIK will enter into arrangements "with the Federal Republic of Yugoslavia in order to facilitate UNMIK activities in territories of the Federal Republic of Yugoslavia outside Kosovo". This provision constitutes an outright distortion of the mandate of UNMIK and is a direct violation of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

In conclusion, it could be said that, in certain essential elements, the report changes the character of Security Council resolution 1244 (1999). This is particularly true of its attempt to broaden considerably the mandate of UNMIK at the expense of the sovereignty of the Federal Republic of Yugoslavia and the Republic of Serbia. The report thus allocates only minor roles to Yugoslavia and Serbia, so as to disguise the true picture of scant respect for their sovereignty and for the provisions of the resolution. However, it is exactly the maintenance, rather than the weakening, of the sovereignty and the territorial integrity of the Federal Republic of Yugoslavia that the mandate of UNMIK is aimed at. The goal of the international security and civil presences in Kosovo and Metohija is to achieve substantial autonomy and democratic self-governance in the province rather than the creation of conditions for a future solution of its political status. Reaffirmation of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia excludes every possibility of a political solution that would be contrary to it.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.